

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

Karenza Clincy, Erica Hammond,
Jammie Parker, Kiesha Pough,
Kimberly Jordan, Naturee Wells,
Monica Leaphart, and Summer Sales,
Individually and on behalf of others similarly situated,

Plaintiffs,

v.

Galardi South Enterprises, Inc. d/b/a/ The Onyx,
Galardi South Enterprises Consulting, Inc. d/b/a/ The Onyx,
Michael Kapp and Jack Galardi,

Defendants.

Court File No. 09-CV-2082 (RWS)

ORDER

This case is before the Court for consideration of Plaintiffs' Motion for Conditional Certification. Plaintiffs' Motion to Certify Class and for Judicial Notice is GRANTED.

Plaintiffs and members of the proposed class shared job duties and were all subject to Defendants' common policy of classifying them as independent contractors. Based on Plaintiffs' declarations and other exhibits before the court, the Court is satisfied that "there are other employees of the department-employer who desire to 'opt-in' and who are 'similarly situated' with respect to their job

requirements and with regard to their pay provisions ." Dybach v. State of Florida Department of Corrections, 942 F .2d 1562, 1567-68 (11th Cir . 1991).

The Court conditionally certifies a class consisting of all individuals who worked as entertainers at Onyx during the 3 years prior to the mailing of notice of this lawsuit to the putative class. Attached hereto as Exhibit "A" is the notice that shall be provided to putative class members . Defendants shall provide to Plaintiffs, within five (5) days of the entry of this Order, the names and last know addresses of all individuals who have worked as entertainers in the three (3) years preceding this Order in an electronic and importable format so that Plaintiffs may send out the Judicial Notice .

THIS __day of _____, 2009.

HONORABLE RICHARD W. STORY
United States District Judge